

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

REMARKS

This amendment is responsive to the Office Action dated September 24, 2004. Claims 17-34 are pending. As claim 20 was amended, it is acknowledged that it should have been presented as "currently amended" in the last response. Applicant has further amended the claims here that are indicated as currently amended and appreciates the Examiner's consideration of these amendments as well as continued consideration of the prior arguments that were urged before.

In paragraph 3.1, the Examiner maintains his rejections based on new matter. The alleged new matter is identified below:

(i) PROPOSED DRAWING CHANGE, Figure 2; reconsideration requested.

Objection is made to the requested drawing change in the block "TS" from "DIAL-UP PUBLIC TELEPHONE SYSTEM" to "COMMUNICATION SYSTEM/DIAL-UP PUBLIC TELEPHONE SYSTEM," on the basis that the change is unduly broadening. Specifically, concern was mentioned with respect to such communication systems as "internet telephone," "wireless," etc. Respectfully, such forms of communication are explicitly set forth in Applicant's specification.

The objective of the proposed drawing modification is to indicate a functional COMMUNICATION SYSTEM that maybe embodied as a DIAL-UP PUBLIC TELEPHONE SYSTEM. Specifically, Applicant's specification indicates the use of "personal computers" that accomplish on-line communication thereby indicating computers that may access the internet (see page 6, line 28).

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

More specifically, at page 8, beginning on line 15, several communication systems alternatives are referred to, again, including "desktop PCs" (personal computers). Additionally, "electronic bulletin boards", on-line computer services and other communication systems are mentioned.

With regard to "wireless" communication systems, at page 15, line 28, specific reference is made to a "cellular telephone."

Still, another form of a communication system is indicated at page 31, line 6, by a reference to a "private' network." Still further, the text at page 34, lines 34-35, recognizes the possibility "for a wide variety of communications to the dial-up telephone system TS."

In view of the above specific disclosures of various communications systems, it is respectfully submitted that an adequate disclosure clearly exists for a cosmetic change tagging the system TS generically as a "communication system," while indicating the exemplary embodiment as a "dial-up telephone system."

However, if the Examiner desires, the proposed change may be more specific as to say "SYSTEM TO ELECTRONICALLY COMMUNICATE DATA OR VOICE VIA AN ONLINE SERVICE, CELLULAR, OR DIAL-UP TELEPHONE SYSTEM" or something similar.

- (ii) **PROPOSED PRIOR AMENDMENT, page 6, line 13;** reconsideration requested.

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

NOTE: References to the specification in this section are from the prior amendment and outline Roman numerals, e.g. "(ii)" coincide to those in the Office Action.

In Applicant's disclosed system, merchandise classifications and their attendant processing accomplish several functions, including controlling and regulating select communications between vendor and buyer terminals on the basis of merchandise (page 37, lines 25-26; page 45, line 8). Such operations also include:

(1) Qualification (page 32, line 13; page 41, line 33):

In view of the specific disclosures indicated above, a proposed cosmetic amendment at page 6 is intended merely as an alerting comment to the multiple criterion of "selective routing." The language is submitted to be fully appropriate to the disclosure and reconsideration is respectfully requested.

(iii) PROPOSED PRIOR AMENDMENT, page 11, line 3 (7-8) reconsideration requested.

The objective of the proposed cosmetic amendment is with respect to the system depicted in Figure 5 and specifically, the "TRAFFIC CONTROL" system which appears broadly in Figure 2. In that regard, the traffic control system as labeled does not include the word "central." Consequently, it was deemed appropriate to delete the word "central" from the text in line 3. Furthermore, the total system of Figure 2 accomplishes far more than "scheduling and routing"

(page 11, line 8). Specifically, the total system of Figure 2 involves alternative communication facilities (format switch), selectively, data storage, operator alternative, and on and on. Consequently, it is deemed appropriate and proper to delete the terms "scheduling and routing,"

Finally, with regard to page 11, line 7, the addition of the words "a form of" is appropriate in relation to the other changes indicated above. Clearly, it is understood that any disclosed embodiment is "a form of" an illustrative system. Again, reconsideration is respectfully requested.

- (iv) **PROPOSED PRIOR AMENDMENT, page 19, line 2**, reconsideration requested.

The Office Action states: "The disclosure does not show that TIS carries out filtering of vendors...".

Figure 2 discloses the broad system TIS. Figure 5 is in more detailed block diagram of the traffic control system of Figure 2, i.e. TIS (page 11, line 3). Figure 6 is a flow diagram illustrating an operation of the system that Figure 5, i.e. TIS (page 11, line 6).

The qualification unit T28 (Figure 5) functions to limit buyers and vendors (page 37, line 3). Accordingly, the cosmetic change requested at page 19, being consistent with the disclosure, is submitted simply for that purpose and reconsideration is respectfully requested.

- (v) **PROPOSED PRIOR AMENDMENT, page 24, lines 7 and 8**, reconsideration requested.

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

Similar cosmetic changes requested regarding the term "filtering" were treated above and on that basis are deemed appropriate. Accordingly reconsideration is respectfully requested.

(vi) PROPOSED PRIOR AMENDMENT, page 33, line 4; reconsideration requested.

The cosmetic change of the term "and" is, again, sought for the purpose of indicating the system functions of using merchandise codes to both select routing and to avoid information overload. Applicant's system clearly discloses the function of "selectivity" and therefore, the attendant additional function of combating overload. The cosmetic change requested is submitted to be clearly in accord. Of course, the selectivity logic, as treated above, also involves the operation of qualification. The quoted specification language in the Office Action does not seem to be inconsistent with the requested cosmetic changes. Similar comments are applicable to the operation of the cosmetic change entered on page 37, line 9.

(vii and viii) PROPOSED PRIOR AMENDMENT, page 41, line 10 and page 45, line 2; reconsideration requested.

"The selection process" relating to merchandise is a criteria based on which vendors are selected. The specification emphatically supports the request by operation of the selection structure.

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

In paragraph 4 of the office action, the Examiner rejected claims 17-34 under 35 U.S.C. Section 112, first paragraph. The Examiner recites the entire claim, taking the position that it is not supported and makes the statement that “[i]nstead, the specification teaches that the vendor is already selected/designated/specified by the buyer when he forwards the request, and this request for proposal with the already designated /selected vendor from the buyer reaches the selectivity logic 47 in the TIS-the filter structure claimed by the applicant....”

Indeed, if the vendor was already selected as urged by the Examiner, the role of Applicant's central traffic system would be different than what is described by Applicant's specification. By way of one example, the buyer may simply send a request that relates to particular merchandise. It is the central traffic control system that determines a list of vendors to whom the request should be routed. The central traffic system may utilize “merchandise codes” that identify the vendors listed for particular merchandise to select a final list of vendors to whom the request should be routed. The class of the vendor is a criteria of selection (page 38, line 23). Applicant's system is described to involve additional criteria, member identification (page 39, line 31); special information (page 41, line 32); select groups (page 44, line 25); and so on. Of course, qualification is widely mentioned.

The Office Action asserts that Applicant's system does not enable a buyer to select criteria which accomplishes a connection with a particular vendor, contending the selection is made as part of the request. The undersigned does not understand such a position. Clearly, the extensive treatment of merchandise codes (page 37) and the selectivity operations expressly indicate the criteria of pre-established conditions which accomplish selective communication (see page 1, line 25; page 5, line 18; page 6, line 9; page 8, line 12; page 12, line 21; page 15,

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

line 15; page 24, lines 6, 11; page 33, line 12; page 37, line 18; page 38, lines 20, 27). Further, with regard to routing see page 7, line 4, 16, 25, 31; and page 18, line 12.

In the Office Action, reference is made to page 9 of the last amendment; however, the passage clearly indicates that the selections are made "in accordance with the merchandise codes."

Also, reference is made to page 41 of the specification and the comment regarding merchandise codes. Clearly, Applicant's system of merchandise codes is an explicit description of the manner in which communication may be selectively accomplished on the basis of "goods," just as described broadly in the '328 patent. Essentially, the '328 patent does not explain the detail of accomplishing communication based on the nature of the "goods" (col. 5, line 44; col. 7, line 11), but rather leaves the matter undisclosed. On the contrary, Applicant discloses a system of merchandise codes whereby processing is accomplished to perform the selection or filter operation.

Reference is also made to the operation in Applicant's system with the attendant operation "to prevent information overload" (page 24, line 8). It is understood that any selectivity or filtering which expedites a desired connection from a multitude of possibilities has the effect of preventing information overload. The mere statement of that advantage clearly is not a limiting consideration.

In paragraph 5 of the office action, the Examiner rejected claims 20-27 under 35 U.S.C. Section 102(e) as being anticipated by Spiegelhoff et al. The Examiner made this rejection, only with consideration of the elements that he believed are supported by the specification, excluding the "filter" limitations. The claims, as amended, recite "selection" and "processing" limitations

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

that are clearly supported by the specification. With consideration of these limitations, the Examiner should find that the claims here are quite distinct from Spiegelhoff et al.

In paragraph 6 of the office action, the Examiner rejected claims 28 and 30-31 under 35 U.S.C. Section 102(e) as being anticipated by Shavit et al. Again, the Examiner urges this rejection, only with consideration of the elements that he believes are supported by the specification, excluding the “filter” limitations. The claims, as amended, recite “selection” and “processing” limitations that are clearly supported by the specification. With consideration of these limitations, the Examiner should find that the claims here are quite distinct from Shavit et al.

In paragraph 7 of the office action, the Examiner rejected claims 17-19 under 35 U.S.C. Section 102(e) as being unpatentable over Shavit et al. in view of Maloney et al. Again, the Examiner urges this rejection, only with consideration of the elements that he believes are supported by the specification, excluding the “filter” limitations. The claims, as amended, recite “selection” and “processing” limitations that are clearly supported by the specification. With consideration of these limitations, the Examiner should find that the claims here are quite distinct from the combination of Shavit et al. and Maloney as suggested by him.

In paragraphs 8 and 9, claims 29 and 32-34 are rejected as being unpatentable over Shavit et al. and Maloney. Claim 29 depends from claim 28, which recites a selection feature that is absent in Shavit. Claims 32-34 also recite the same selection feature.

Application No.: 09/505,913
Amendment dated:
Reply to Office Action of: September 24, 2004

To expedite examination and conclusion of this application, the undersigned would like to request a personal interview with the Examiner.

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Respectfully submitted,

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